



AGENDA
ZONING BOARD OF ADJUSTMENT
Workshop Meeting
Tuesday, April 01, 2008 at 5:30 PM
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

-
1. Call to order
 2. Discussion of Regular Agenda items.
 3. Consideration and possible action on future agenda items – A Zoning Board Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
 4. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071; possible action.

The Zoning Board of Adjustments may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Zoning Board of Adjustments meeting, an executive session will be held.

Notice is hereby given that a Workshop Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on **Tuesday, April 01, 2008 at 5:30 PM** at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this the ____ day of _____, 2007 at ____ p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Connie Hooks, City Secretary

I, the undersigned, do hereby certify that the above Notice of Workshop Meeting of the Zoning Board of Adjustment of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on _____ p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2007.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2007.

Notary Public- Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call 979.764.3517 or (TDD) 800.735.2989. Agendas may be viewed on www.cstx.gov.



AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
April 1, 2008 at 6:00 P.M.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

1. Call to order – Explanation of functions of the Board.
2. Consideration, discussion and possible action of Absence Requests from meetings
3. Consideration, discussion and possible action to approve meeting Minutes.
 - February 5, 2008 Workshop Minutes
 - February 5, 2008 Regular Meeting Minutes
4. Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards regarding the rear setback requirement for 101 & 103 Fairview Avenue, remainder of Lots 1 & 2, Block 2A College Park Subdivision. Case #08-00500010 (MR)
5. Public hearing, presentation, possible action, and discussion on a variance request to the Unified Development Ordinance, Section 5.4 Non-Residential Dimensional Standards regarding the rear setback for the property located at 2800 University Drive E, Lot 2, Block 1 Veterans Park and Athletic Complex Subdivision. Case #08-00500025 (JS)
6. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071; possible action.

The Zoning Board of Adjustments may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Zoning Board of Adjustments meeting, an executive session will be held.

Notice is hereby given that a Regular Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on **Tuesday, April 01, 2008 at 6:00 p.m.** at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this the ____ day of _____, 2007 at ____ p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Connie Hooks, City Secretary

I, the undersigned, do hereby certify that the above Notice of Regular Meeting of the Zoning Board of Adjustment of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on _____ p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2007.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2007.

Notary Public- Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call 979.764.3517 or (TDD) 800.735.2989. Agendas may be viewed on www.cstx.gov.

WORKSHOP MINUTES
Zoning Board of Adjustment
February 5, 2008
CITY OF COLLEGE STATION, TEXAS
City Hall Council Chambers
1101 Texas Avenue
5:30 P.M.

MEMBERS PRESENT: Jay Goss, John Richards, Donald Braune, Josh Benn, Denise Whisenant.

STAFF PRESENT: Staff Assistant Deborah Grace-Rosier, Staff Planners Crissy Hartl and Matt Robinson, Planning Administrator Molly Hitchcock, Assistant City Attorney Mary Ann Powell, Planning and Development Services Director Bob Cowell,

AGENDA ITEM NO. 1: **Call to order – Explanation of functions of the Board.**

Chairman Jay Goss called the meeting to order at 5:35.

AGENDA ITME NO. 2: **Discussion of Administrative Adjustments given by the Administrator.**

1300 Harvey Mitchell Parkway South – Parking – Case # 07-00500308

Planning Administrator Molly Hitchcock told the Board that the applicant was granted an adjustment of 14 parking spaces.

AGENDA ITEM NO. 3: **Discussion of regular agenda items.**

Staff Planner Crissy Hartl discussed the sign variance at 1100 University Drive.

AGENDA ITEM NO. 4: **Consideration and possible action on future agenda items – A Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.**

Mr. Braune asked for clarification as to why some UDO Standards are put into place. This item will be placed on future agenda for staff to provide justification.

AGENDA ITEM NO.4: **Adjourn.**

The meeting was adjourned at 5:55.

APPROVED:

Jay Goss, Chairman

ATTEST:

Deborah Grace-Rosier, Staff Assistant

MINUTES
Zoning Board of Adjustment
February 5, 2008
CITY OF COLLEGE STATION, TEXAS
Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Jay Goss, John Richards, Donald Braune, Josh Benn, Denise Whisenant.

STAFF PRESENT: Staff Assistant Deborah Grace-Rosier, Staff Planners Crissy Hartl and Matt Robinson, Planning Administrator Molly Hitchcock, Assistant City Attorney Mary Ann Powell, Director of Planning and Development Services Bob Cowell.

AGENDA ITEM NO. 1: Call to order – Explanation of functions of the Board.

Chairman Goss called the meeting to order at 6:00 PM.

AGENDA ITEM NO. 2: Consideration, discussion and possible action of absence requests.

There were no absence requests to consider.

AGENDA ITEM NO. 3.: Consideration, discussion and possible action to approve meeting minutes.

~ December 3, 2007 Workshop Meeting Minutes
~ December 3, 2007 Regular Meeting Minutes

Mr. Benn motioned to approve the workshop minutes. Ms. Whisenant seconded the motion, which passed unopposed (5-0).

Mr. Braune motioned to approve the regular minutes. Ms. Whisenant seconded the motion, which passed unopposed (5-0).

AGENDA ITEM NO. 4: Public hearing, presentation, possible action on variance request to the Unified Development Ordinance, Section 5.8.A.2.a regarding signs in the Corridor Overlay District for the property located at 1100 University Drive East. Lot 1, Block 1, Wheeler Subdivision Phase 2.

Staff Planner Crissy Hartl presented the staff report and stated that the applicant is requesting the variance to allow for eight colors on a freestanding sign and a building sign.

Chairman Jay Goss opened the public hearing.

Those stepping forward to speak in favor of the variance request were:

Tom Kirkland, 613 Willow Springs, Heath, Texas
Carol Ann Baine, no address given
Shannon Pennington, 610 W. Carson, Bryan, Texas
Hunter Goodwin, 1011 Lyceum Court, College Station, Texas
Chuck Ellison, 2902 Camille Drive, College Station, Texas

All speaking before the Board were sworn in by Chairman Goss with the exception of Carol Ann Baine and Chuck Ellison who were Officers of the Court.

Mr. Benn motioned to approve a variance to the sign regulations from the terms of this ordinance, as it will not be contrary to the public interest, due to the lack of unique special conditions not generally found within the City: being the property's location in the University Drive Overlay District and its use as a hotel; and because a strict enforcement of the provisions of the Ordinance would result in substantial hardship to this applicant being: an unreasonable limitation on the applicant's utilization of a sign in connection with other related property rights; and such that the spirit and intent of this Ordinance shall be preserved and the general interests of the public and applicant served subject to the following limitations: the sign design be limited to the U.S. Federal Trademark Registration # 3,368,516. **Mr. Richards seconded the motion, which failed (3-2).**

Mr. Benn motioned to grant a variance with the limitation that the colors be limited to three additional colors:

~ Lavender
~ Lime Green
~ Orange

The reason for the variance is for good cause as written in 7.4.B.2. of the UDO.

Mr. Benn motioned to amend the motion to add the color yellow. The colors were limited to four colors, in addition to Black and White, provided that the combination is as follows:

~ Lavender: Series 2500-3148
~ Lime Green: Series 2100-948
~ Orange: Series 2500-84
~ Yellow: Series 2500-2244A

Mr. Braune seconded the motion, which passed unopposed (5-0)

AGENDA ITEM NO. 5: Adjourn.

The meeting was adjourned at 7:15.

APPROVED:

Jay Goss, Chairman

ATTEST:

Deborah Grace-Rosier, Staff Assistant



**VARIANCE REQUEST
FOR
101 & 103 Fairview Avenue**

REQUEST: Rear Setback Variance

LOCATION: 101 & 103 Fairview, Lots 1 & 2, Block 2A of the College Park Subdivision

APPLICANT: Edsel Jones

PROPERTY OWNER: Edsel Jones

PROJECT MANAGER: Matt Robinson, Staff Planner
mrobinson@cstx.gov

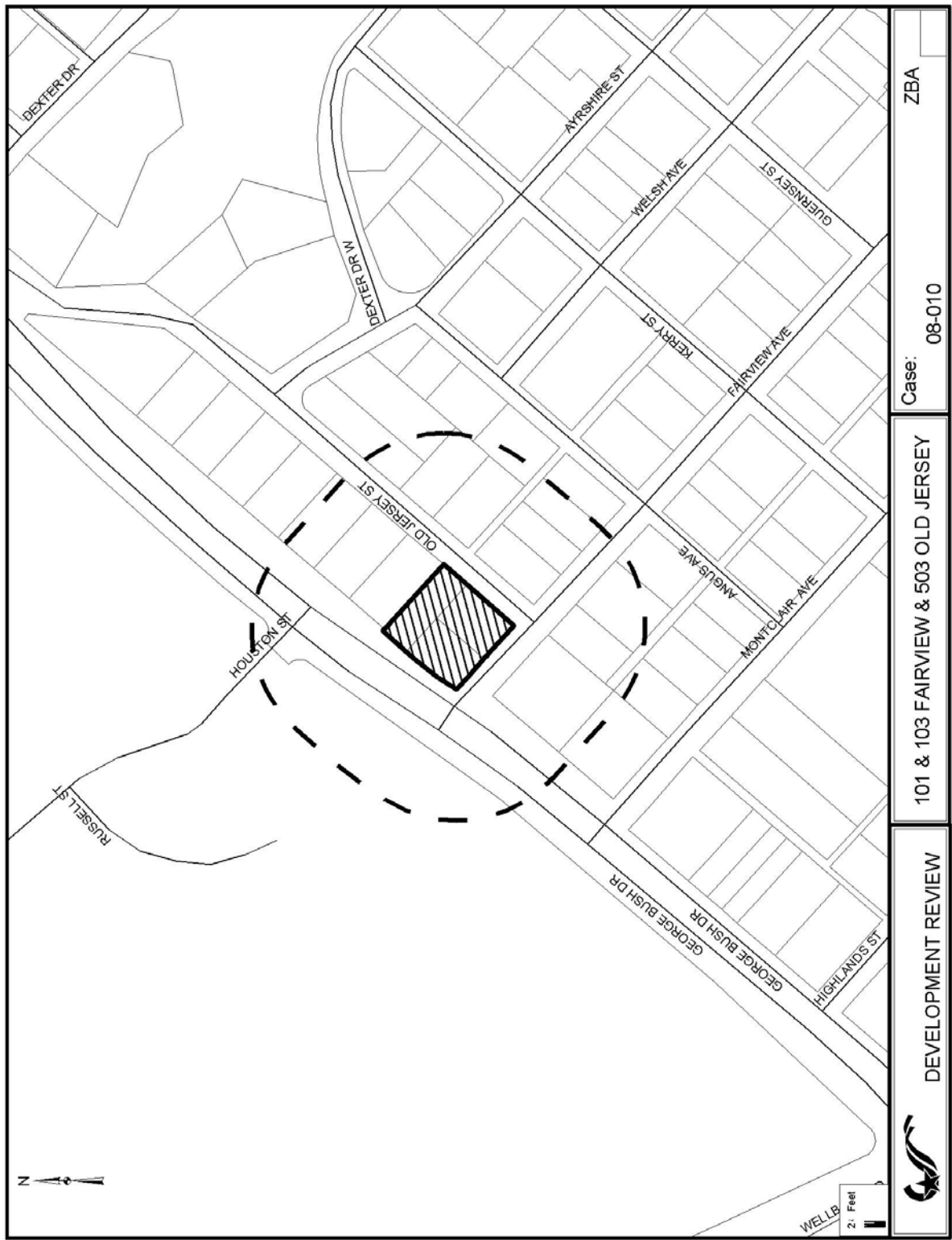
RECOMMENDATION: Denial

BACKGROUND: The subject property was platted in 1923. As part of the George Bush Drive widening project done in the mid 1990's, TxDOT utilized right-of-way acquired from the subject property in order to add additional driving lanes. This left the structure located at 101 Fairview encroaching into the required setbacks. The property owner is proposing to renovate and add an 8' wide porch on the east and south side of the existing structure. In addition the property owner desires to replat the three lots on the corner of Fairview Avenue and Old Jersey into one lot. **The applicant would like a 2' foot 2" inch rear setback; thus, he is requesting a rear setback variance of 17' feet 10" to the required rear setback of 20' feet.**

APPLICABLE ORDINANCE SECTION: UDO Article 5.2, Residential Dimensional Standards

ORDINANCE INTENT: Building setback requirements usually allow for some degree of control over population density, access to light and air, and fire protection. These standards are typically justified on the basis of property values.





ZBA

Case: 08-010

101 & 103 FAIRVIEW & 503 OLD JERSEY

DEVELOPMENT REVIEW



NOTIFICATIONS

Advertised Board Hearing Date: April 1, 2008

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

none

Property owner notices mailed: 19
Contacts in support: none
Contacts in opposition: 2
Inquiry contacts: 14

One opposition letter was submitted, stating that the variance should be denied on the grounds that it would set a bad precedent. In addition, it is stated that the variance would be detrimental to the neighborhood in the precedent it would set.

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	R-1, Single Family Residential	Single Family Residence
North	-	George Bush Drive, a Major Arterial
South	R-1, Single Family Residential	Single Family residences / Fairview Avenue, a Major Collector
East	R-1 Single Family Residential	Single Family Residences
West	-	Fairview Avenue, a Major Collector

PHYSICAL CHARACTERISTICS

1. **Frontage:** The subject property has approximately 140 feet of frontage along Fairview Avenue and 98 feet of frontage along both George Bush Drive and Old Jersey.
2. **Access:** The property has access to Fairview Avenue, a Major Collector
3. **Topography and vegetation:** Relatively flat with some vegetation
4. **Floodplain:** The subject property does not lie within a FEMA identified floodway or floodplain.

REVIEW CRITERIA

1. **Special conditions:** The applicant did not state any special conditions
2. **Hardships:** The applicant states that the setback violation is due to the reconstruction of George Bush Drive a number of years ago. In addition the applicant states that the present building was built in 1928 and the present owners want to preserve it.

ALTERNATIVES: The applicant has not identified any alternatives

STAFF RECOMMENDATION

Staff recommends denial for this variance request. It is staff's opinion that the existing conditions on the property do not prohibit or unreasonably restrict the utilization of the property. In addition, there are safety concerns with regards to the location of the existing structure as it backs up to George Bush Drive, a Major Arterial. If special conditions do exist for the property, they become irrelevant when life and safety issues arise.

SUPPORTING MATERIALS

1. Application
2. Site Photographs
3. Site Plan
4. Opposition Letter



FOR OFFICE USE ONLY

CASE NO.: 08-10
DATE SUBMITTED: 01-16-084:00
kw**ZONING BOARD OF ADJUSTMENT APPLICATION****MINIMUM SUBMITTAL REQUIREMENTS:**

- ☒ \$150 Filing Fee kw
☒ Application completed in full.
____ Additional materials may be required of the applicant such as site plans, elevation drawings, sign details and floor plans. The Zoning Official shall inform the applicant of any extra materials required.

Date of Preapplication Conference: _____

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary Contact for the Project):

Name Edsel G. Jones (813 Wellborn Rd., Ltd.)
Street Address 310 University Drive East City College Station
State Tx Zip Code 77840 E-Mail Address manitouas@yahoo.com
Phone Number (979) 693-1530 Fax Number (979) 696-3040

PROPERTY OWNER'S INFORMATION:

Name Same as above
Street Address _____ City _____
State _____ Zip Code _____ E-Mail Address _____
Phone Number _____ Fax Number _____

LOCATION OF PROPERTY:

Address 101 & 103 Fairview and 503 Old Jersey
Lot 1-2&3 Block 2A Subdivision College Park
Description if there is no Lot, Block and Subdivision _____

Action Requested: (Circle One) ☒ Setback Variance ☐ Appeal of Zoning Official's Interpretation
☐ Parking Variance ☐ Special Exception
☐ Sign Variance ☐ Drainage Variance
Other: _____

Current Zoning of Subject Property: R-1

Applicable Ordinance Section: _____

GENERAL VARIANCE REQUEST

The following specific variation from the ordinance is requested:

Request to replat the subject three lots into one large lot in order to
construct a larger residence and to remodel the existing two story
apartment.

This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

The existing two story apartment violates the present set-back
requirements from Fairview Street (25 ft.) and from George Bush Dr. (15 ft.)
See enclosed plat.

The unnecessary hardship (s) involved by meeting the provisions of the ordinance other *than financial hardship* is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

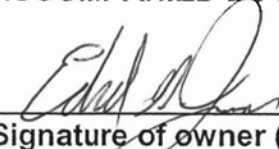
The set-back violation is due to the reconstruction of George Bush Drive a
number of years ago. The present building was built in 1928 and the present
owners want to preserve it. The previous owner was an instructor of the
present owner at A&M in the 50's. The building has economic value and is
The following alternatives to the requested variance are possible: Grandfather as related to it's
location.

The variance would also provide for an 8' wide porch to be constructed
on the east and south side of the building as pictured on the enclosed
site plan.

This variance will not be contrary to the public interest by virtue of the following facts:

The improvements planned for this building and the new residence along with
the landscaping and fencing will make a very pleasing appearance to the
community and a substantial increase to the tax base that the schools and
community needs.

The applicant has prepared this application and supporting information and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, APPLICATION MUST BE ACCOMPANIED BY A POWER OF ATTORNEY STATEMENT FROM THE OWNER.



Signature of owner (or agent) or applicant

16 Jan. 08

Date

101 & 103 Fairview







SITE PLAN

REFERENCE: NONE

SCALE: 1"=30'-0"

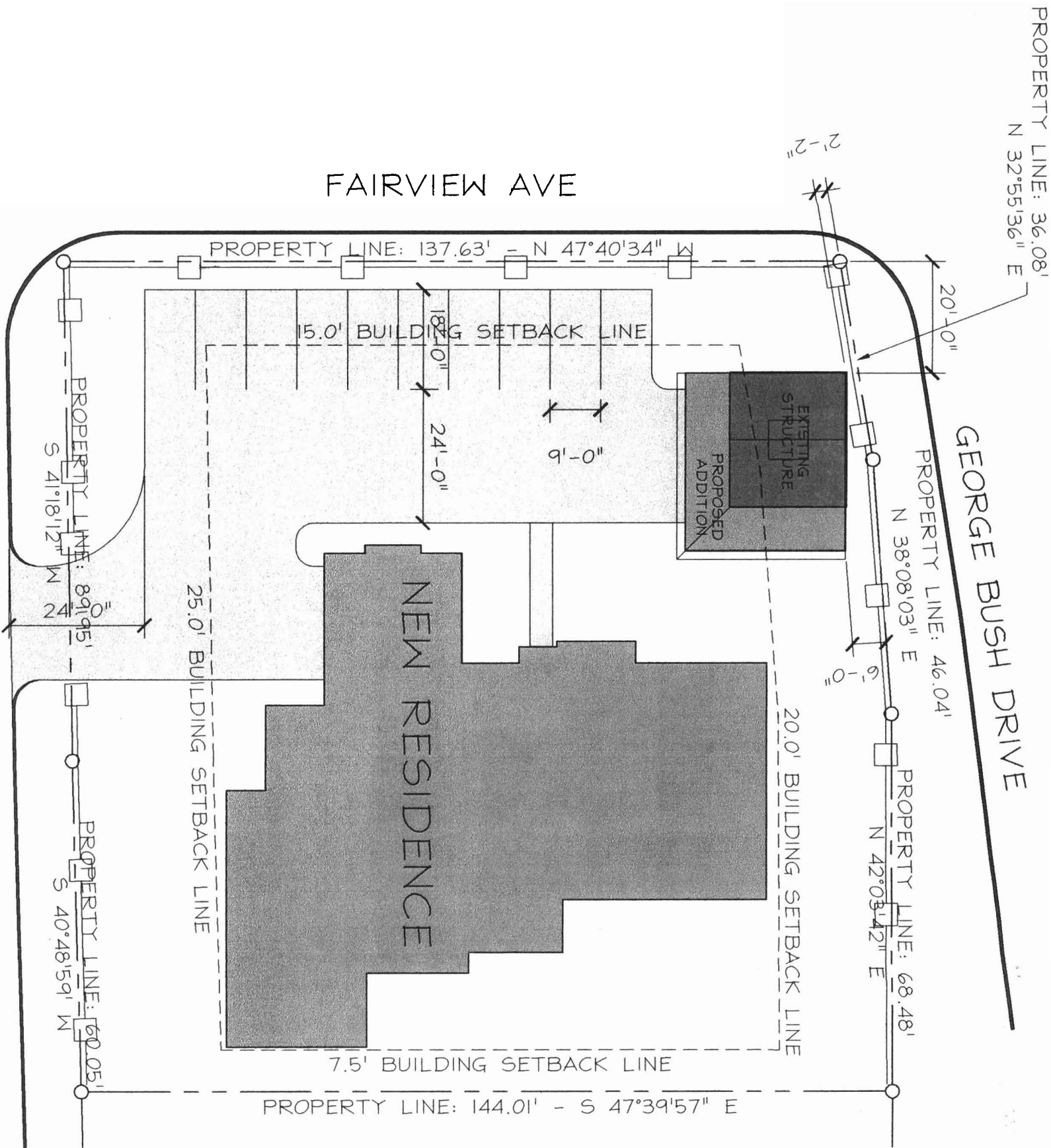


NORTH

OLD JERSEY STREET

FAIRVIEW AVE

GEORGE BUSH DRIVE



LOT: REMAINDER OF LOTS 01/02/03

BLOCK: 2A

SUBDIVISION:

COLLEGE PARK
COLLEGE STATION, TX
BRAZOS COUNTY

PROJECT NUMBER

CL-07-242

SQUARE FOOTAGE

HEATED AREA: 903.4 SQ. FT
SLAB AREA: 906.7 SQ. FT

SHEET TITLE

SITE
PLAN

HOME BUILDER

EDSEL JONES REMODEL



Mr. Matt Robinson
Project Manager
City of College Station
Planning & Development Services
P. O. Box 9960
College Station, TX 77842

Ref: Project Number: 07-00500335
And
Proposed Variance, Rear Setback, 101 & 103 Fairview


Dear Mr. Robinson:

As per I telephone conversation of 17 March 2008, I would like to, as a home owner within 200 feet of the referenced property, inform you that I have no objection to the request made by the land owner in Project Number 07-005-0035.

However, I am opposed to the requested variance referenced above. I oppose it on the grounds that it would set a bad precedent. It would be especially bad in this Historic Neighborhood.

I am a firm believer in Private Property Rights, just as long as they are exercised in such a manner that they do no harm to surrounding properties. This Variance, if granted would be detrimental to the neighborhood in the precedent that it would set. I therefore, ask that it be denied.

I thank you in advance for presenting my comments regarding these matters to the Zoning Board of Adjustment in their meeting on 1 April 2008.


Thomas L. Linton
204 Fairview
College Station, TX



**VARIANCE REQUEST
FOR
2800 UNIVERSITY DRIVE E**

REQUEST: Rear Setback Variance

LOCATION: 2800 University Drive E
Lot 2, Block 1 Veteran's Park and Athletic Complex

APPLICANT: Tim Ware

PROPERTY OWNERS: Tim & Frances Ware

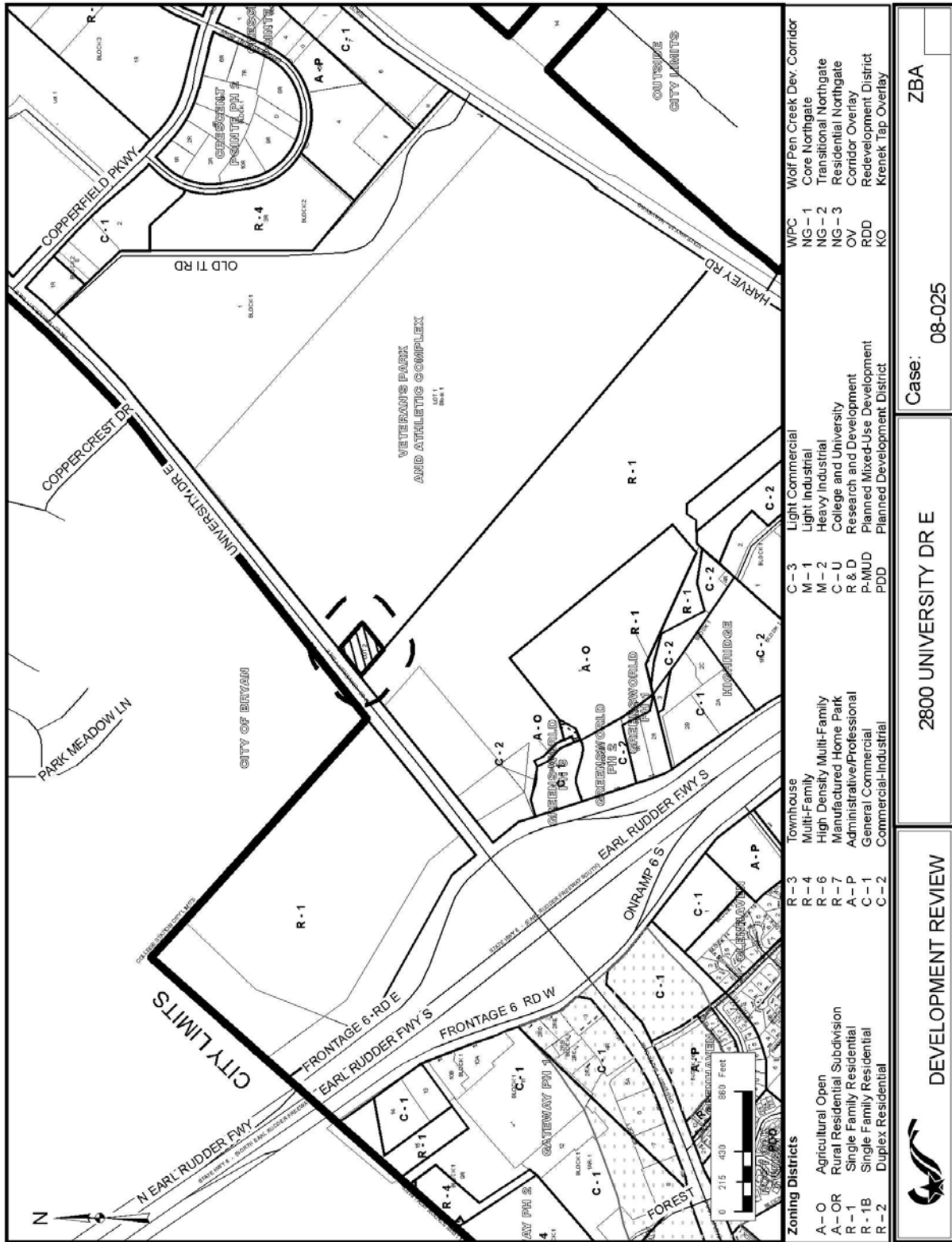
PROJECT MANAGER: Jason Schubert, AICP, Staff Planner
jschubert@cstx.gov

RECOMMENDATION: Denial.

BACKGROUND: The subject property is a 1.37-acre property that was retained separately during the acquisition and development of Veterans Park. The applicant is seeking to develop the property and maximize the buildable area by **reducing the rear setback of 15' to 5', and thus is requesting a rear setback variance of 10'.**

APPLICABLE ORDINANCE SECTION: UDO Article 5.4, Non-Residential Dimensional Standards

ORDINANCE INTENT: Building setback requirements usually allow for some degree of control over population density, access to light and air, and fire protection. These standards are typically justified on the basis of property values.



ZBA

Case: 08-025

2800 UNIVERSITY DR E

DEVELOPMENT REVIEW



NOTIFICATIONS

Advertised Board Hearing Date: April 1, 2008

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

None

Property owner notices mailed: 4
Contacts in support: 0
Contacts in opposition: 0
Inquiry contacts: 0

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	M-1, Light Industrial	Vacant, proposed office building
North	N/A	University Drive E / City of Bryan
South	M-1, Light Industrial	Veterans Park
East	M-1, Light Industrial	Veterans Park
West	R-1, Single Family Residential	Vacant, Carter Creek

PHYSICAL CHARACTERISTICS

1. **Frontage:** The subject property has 245' of frontage along University Drive E, a Major Arterial on the City's Thoroughfare Plan.
2. **Access:** The subject property only has access to University Drive E and will be granted one driveway.
3. **Topography and vegetation:** The property slopes significantly from University Drive E and moderately toward Carter Creek to the south and west. The property is moderately vegetated. (See Site Photographs)
4. **Floodplain:** The subject property is located entirely within the FEMA 100-year floodplain.

REVIEW CRITERIA

1. **Special conditions:** The applicant states that the property is not laid out in a square configuration and there is unusable green space within the 15' rear setback that the applicant would rather utilize as green space in front of the building. (See Survey)
2. **Hardships:** The applicant is seeking to obtain more greenscape and landscaping in front of the site by moving the proposed office building more to the rear of the property. The applicant further states that he does not believe the property beyond this site will ever be developed since the City of College Station owns the park area to the east and south and the adjacent property to the east is within the Carter Creek floodway.

ALTERNATIVES

The applicant has not provided an alternative though states the request is to enhance the aesthetics of the front, with no harm to the rear.

STAFF RECOMMENDATION

Staff recommends denial of the request. Though the subject property is not perfectly square, the shape of the property is relatively such and that does not create a substantial burden in its development. The applicant has submitted a proposed site plan for the property that does not encroach the rear setback and is still able to meet all minimum requirements. In addition, Veterans Park is adjacent to the subject property and provides a significant amount of green space in the area that other properties do not typically enjoy. If granted, the variance would allow structures to be built closer to the park which is not necessary or desirable.

SUPPORTING MATERIALS

1. Application
2. Survey
3. Site Photographs



FOR OFFICE USE ONLY

CASE NO.: 08-25

DATE SUBMITTED: 2-6-08

410

VJ

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- ☒ \$150 Filing Fee
- ☒ Application completed in full.
- ☒ Additional materials may be required of the applicant such as site plans, elevation drawings, sign details and floor plans. The Zoning Official shall inform the applicant of any extra materials required.

Date of Preapplication Conference: _____

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary Contact for the Project):

Name TIM WARE
Street Address 526 University City College Station
State TX Zip Code 77840 E-Mail Address TIMWARE@REMAX.NET
Phone Number 979-764-6000 Fax Number 979-764-7676

PROPERTY OWNER'S INFORMATION:

Name Tim Ware
Street Address 526 University Dr City College Station
State TX Zip Code 77840 E-Mail Address TIMWARE@REMAX.NET
Phone Number 979-764-6000 Fax Number 979-764-7676

LOCATION OF PROPERTY:

Address 2800 University Dr. East
Lot 2 Block 1 Subdivision Veteran's Pl & athletic complex
Description if there is no Lot, Block and Subdivision 1.371 acre tract, Richard Carter League A-8

Action Requested: (Circle One)

Setback Variance

Appeal of Zoning Official's Interpretation

Parking Variance

Special Exception

Sign Variance

Drainage Variance

Other: _____

Current Zoning of Subject Property: M-1

Applicable Ordinance Section: _____

GENERAL VARIANCE REQUEST

The following specific variation from the ordinance is requested:

Request Rear SETBACK line be reduced from 15' to 5'

This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

THIS SITE IS NOT LAID OUT IN A SQUARE CONFIGURATION. THERE IS MUCH UNUSEABLE GREENSPACE UNUSEABLE WITH THE 15' SETBACK.

The unnecessary hardship (s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

I would like more greenscape & landscaping in the front of the new office space. To meet all other requirements, parking, etc. I would like to utilize this rear area for greenscape in front.

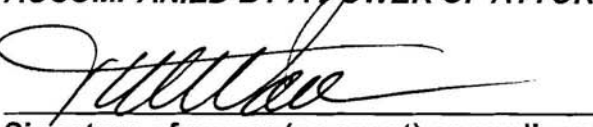
The following alternatives to the requested variance are possible:

There is no economic gain or loss to this request. I wish to enhance the esthetics of the front, with no harm to the rear.

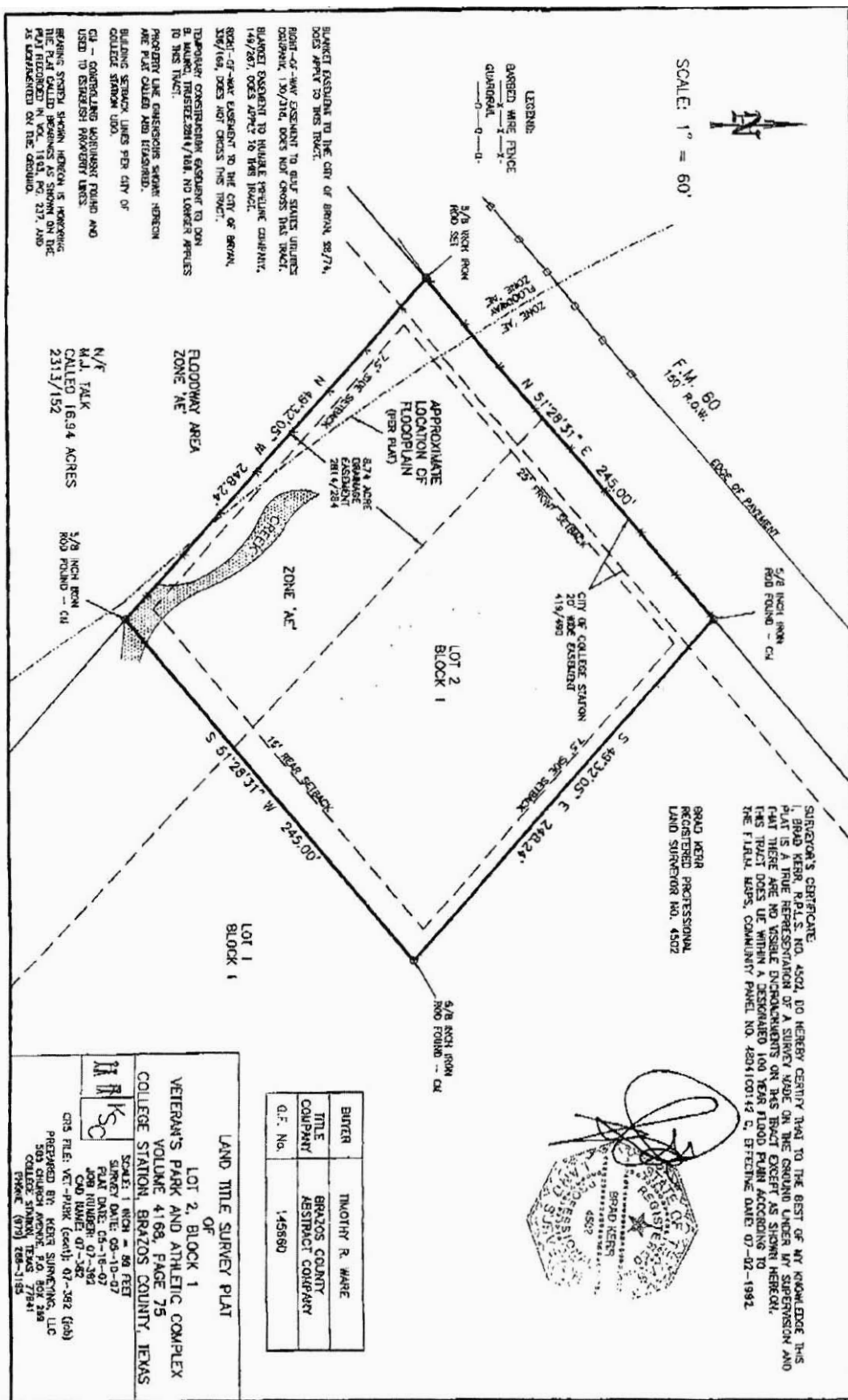
This variance will not be contrary to the public interest by virtue of the following facts:

I do not believe there will ever be any development behind this site nor on either side. The City of College Station will control most of this adjacent acreage and it is mostly floodway and flood plain.

The applicant has prepared this application and supporting information and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, APPLICATION MUST BE ACCOMPANIED BY A POWER OF ATTORNEY STATEMENT FROM THE OWNER.


Signature of owner (or agent) or applicant

1/15/08
Date



2800 UNIVERSITY DR E (VAR) – (08-00500025)



Looking into property from University Drive E



Looking east along property along University Drive E